

REMARKS

A. Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. Claim Status and Amendments

Claims 1-4 and 6 are presented for further prosecution.

Claim 1 has been amended to include the limitations of claim 5, except that the liquid spraying "portions" have been described as liquid spraying "pipes". Support for the change of "portions" to "pipes" can be found on page 19, line 33. Claim 5 has been cancelled as a result.

Claim 1 has also been amended to specify that the filtration tank has an upper filter plate and a lower filter plate which are vertically separated. The upper filter plate supports the first particulate filtration media. Support for this amendment can be found in Figure 1 which shows vertically separated filter plates 50 and 4 (page 15, lines 32-33) wherein filter plate 50 supports filtration media 14 (page 16, lines 22-24).

Claims 1-4 and 6 have been amended to replace "bed" with "plates" as suggested by the Examiner.

C. Rejections under 35 USC § 112

Claims 1-6 had been rejected as indefinite.

The Examiner had stated that the phrase "the filter bed comprises two vertically separated filter beds" is indefinite since it is not clear that a single filter bed comprises a plurality of filter beds. As explained above, Applicant has amended this portion of claim 1 to recite that the filtration tank has two vertically separated filter plates. It is believed that amended claim 1 complies with section 112.

The Examiner had stated that the term "bed" is misdescriptive and should instead be "plate". Applicant has made this change throughout the claims.

Claim 5 had been rejected since it is unclear what structure is represented by the "liquid spraying portions". Applicant has replaced "liquid spraying portions" with "liquid spraying pipes" as clarification.

Applicant therefore respectfully submits that amended claims 1-4 and 6 comply with section 112.

D. Rejections under 35 USC § 103(a)

Claims 1-4 and 6 had been rejected as being unpatentable over Saito (WO 01/83076) in view of either JP 59-158413 or Boze (US 3,623,978). The Examiner had indicated that claim 5 would be allowable if rewritten in independent form.

Applicant has amended claim 1 to recite the limitations of allowable claim 5. It is therefore respectfully submitted that claim 1 and its dependent claims are patentable over the cited references taken alone or in combination.

E. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C Lucas  
Donald C. Lucas, 31,275  
Attorney for Applicant(s)  
475 Park Avenue South, 15<sup>th</sup> Floor  
New York, NY 10016  
Tel. # 212-661-8000

Encl: Return receipt postcard